

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR137
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MICHAEL TOBIN,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion to continue sentencing (Filing No. 95).

The Defendant asks to continue the sentencing hearing for 30 days so he can obtain copies of "medical and other records . . . relevant and necessary for sentencing" that have not yet been received. The "other" records were not specifically described. (Filing No. 95.) The Defendant has filed a motion requesting a downward departure generally under U.S.S.G. § 5K2.0 and 18 U.S.C. § 3553(b)(1). (Filing No. 91.) The brief only states that medical and other records have been requested, yet the brief offers no indication as to the nature of any medical issues or any description of "other" records. (Filing No. 92.)

According to the PSR, the Defendant described his health as "great" and said that he has no disabilities. (PSR, ¶ 100.) His only reported ailment was high blood pressure for which he was being treated with medication. (*Id.*)

Therefore, considering the record, the Court concludes that the Defendant has not shown good cause to continue the sentencing hearing.

IT IS ORDERED that the Defendant's motion to continue sentencing (Filing No. 95) is denied.

DATED this 3rd day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge